

**MINUTES OF THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**July 15, 2002**

## DIVISION ONE

B155181      People      (Not for Publication)  
v.  
Savage

The appeal in case No. NA041102 is dismissed. The judgment in case No. NA047975 is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

B156252      People      (Not for Publication)  
v.  
Mackie

The judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.  
Vogel (Miriam A.), J.

B152493 People (Not for Publication)  
v.  
York

The judgment is affirmed.

Ortega, J.

We concur:    Spencer, P.J.  
                         Mallano, J.

July 15, 2002 – (Continued)

## DIVISION ONE (Continued)

[illegible]

We affirm the judgment. Bennett is entitled to his costs on appeal.

Ortega, J.

We concur:     Spencer, P.J.  
                      Rico, J. (Assigned)

B147729 People (Not for Publication)  
v.  
Salazar

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.  
Mallano, J.

DIVISION TWO

B148785      Jeffers, Jr  
v.  
Cardinale

Filed order denying petition for rehearing.

DIVISION THREE

B147731      Joseph P. Mayer, III, et al.      (Not for Publication)  
v.  
Transnation Title Insurance Company

The judgment is affirmed. Transamerica is entitled to costs on appeal.

Kitching, J.

We concur: Klein, P.J.  
Croskey, J.

### DIVISION THREE (Continued)

B150302      People                                  (Not for Publication)  
v.  
Randy Glenn Sherman

The judgment of conviction of second degree murder is reversed. If the People do not seek to retry this case within 60 days after the filing of the remittitur in the trial court pursuant to Penal Code section 1382, subdivision (a)(2), the trial court shall proceed as if the remittitur constitutes an order to modify the judgment to reflect a conviction of voluntary manslaughter with the personal use of a firearm under section 12022.5, subdivision(a)(1), and resentence accordingly.

Klein, P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B151514 People  
v.  
Matthew A.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

## DIVISION FIVE

Court convened.

Present: Turner, P.J., Grignon, J., Mosk, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B151014 People v. Manuel Jesus Solis  
B154927 DCFS v. Maria C.  
B152070 Adoption of Johnah C. et al., Carlo Z. et al. v. Jeffrey C.  
B155824 In re Darius L. et al; DCFS v. James L.

Argument waived, cause submitted.

DIVISION FIVE (Continued)

B150763     People  
              v.  
              Tremaine Mirand Burt

Merits:  
Argued by Peter Gold for appellant and by Herbert S. Tetef, Deputy Attorney General, for respondent. Cause submitted.

B151467     People  
              v.  
              Kenneth Anderson

Appearances:  
Laura H. Bak-Boychuk, Deputy Attorney General for respondent. No appearance for appellant. Argument waived, cause submitted.

Court recessed.

Court reconvened at 10:00 A.M.

Present: Turner, P.J., Grignon, J., Armstrong, J. and Zaida G. Heraldez, Deputy Clerk.

B155065     Edmond Galoostian et al.  
              v.  
              Carlo Dupone Jr.

Merits:  
Argued by Eric J. Glassman for appellant and by Gary Brown for respondent. Cause submitted.

B158675     Rosebluth International Inc.  
              v.  
              Los Angeles Superior Court  
              Jose Serrano

Merits:  
Argued by Grant S. Palmer for petitioner and by Jonathan Weiss for real party in interest. Cause submitted.

Court recessed.

DIVISION FIVE (Continued)

Court reconvened at 10:00 A.M.

Present: Turner, P.J., Armstrong, J., Mosk, J. and Zaida G. Heraldez, Deputy Clerk.

B153464     People  
              v.  
              Steven Smith

Argument waived, cause submitted.

B146899     Frederick H. R. Boettcher  
              v.  
              Javier F. Trujillo et al.

Merits:

Argued by Alexander A. Petale for appellant and by James A. Gallo for respondents. Cause submitted.

B152757     Jeffrey Siner et al.  
              v.  
              Helene C. Singer

Merits:

Argued by Gerald M. Serlin for appellant and by Marc L. Sallus for respondent. Cause submitted.

B152759     Peggy J. Soukup et al.  
              v.  
              Law Offices of Herbert Hafif etc

Merits:

Argued by James Moneer for appellants and by Gary L. Tysch and John Rowell for respondents. Cause submitted.

DIVISION FIVE (Continued)

B148780 Martha Quijano  
v.  
Daryl Rheuark

Merits:

Argued by Edmund Willcox Clarke for appellant and by David J. Ozeran for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:00 P.M.

Present: Grignon, Acting P.J., Armstrong, J., Mosk, J. and Zaida G. Heraldez, Deputy Clerk.

Each of the following:

B154575 People v. Willie Curry  
B152270 People v. Arturo M.  
B152160 People v. Michael Grajeda  
B149553 People v. Butterfield  
B152297 People v. Albaro Vargas

Argument waived, cause submitted.

B143328 Terence Mix  
v.  
Tumanjan Development Corp.

Merits:

Argued by James A. Flanagan for appellant and by Julie Sullwold Hernandez for respondent. Cause submitted.

B152696 James Coburn  
v.  
Laura Coburn

Merits:

Argued by Robert D. Belshaw for appellant and by Glen H. Schwartz for respondent. Cause submitted.

DIVISION FIVE (Continued)

B152297     People  
              v.  
              Lorenzo Castro

Merits:  
Argued by James M. Crawford for appellant and by Lace E. Winters,  
Deputy Attorney General for respondent. Cause submitted.

B148080     Richard Penman  
              v.  
              Patrick Terrien

Merits:  
Argued by Gary Kurtz for appellant and by Arya Towfighi for respondent.  
Cause submitted.

Court adjourned.

B147879     People  
              v.  
              Quan Le Huynh

Filed order-modifying opinion. Petition for rehearing is denied. (Change  
in judgment)

DIVISION SIX

B155344     S.B. County Child Welfare Services     (Not for Publication)  
              v.  
              Andre M.  
              In re Jasmine N., a minor

The judgment (order terminating parental rights) is affirmed.

Perren, J.

We concur:    Yegan, Acting P.J.  
                  Coffee, J.

## DIVISION SIX (Continued)

B152875      People                                  (Certified for Partial Publication)  
v.  
Howard

The conviction for violation of section 417.3 is vacated with directions to enter a new judgment for violation of section 417. ((The doubling of Howard's sentence based on the prior juvenile adjudication for attempted burglary is vacated. The matter is remanded for resentencing consistent with this opinion.)) Otherwise, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.  
Coffee, J.

B156693      People      (Certified for Publication)  
v.  
Superior Court of Ventura County  
Sultz

The order granting defendant's motion to set aside the information under section 995, entered on February 19, 2002, is reversed. The order to show cause is discharged. A writ of mandamus shall issue directing the trial court to enter a new and different order denying the motion to set aside the information. The stay of proceedings in *People v. Schultz*, case No. 2002004949 is lifted. The matter is remanded to the trial court for further proceedings consistent with this opinion

Coffee, J.

We concur: Gilbert, P.J.  
Yegan, J.



DIVISION SIX (Continued)

B158649      Mona Lisa M.                      (Not for Publication)

v.

Ventura County Superior Court

Human Services Agency of Ventura County

The petition for extraordinary relief is denied.

Yegan, J.

We concur:   Gilbert, P.J.  
                     Coffee, J.

B155062      Winiarz                                      (Not for Publication)

v.

Gourley

The judgment denying the petition for a writ of mandate is affirmed. Costs on appeal are awarded to respondent.

Yegan, J.

We concur:   Gilbert, P.J.  
                     Perren, J.

B152219      Hamilton                                    (Not for Publication)

v.

Rieman

The judgment is affirmed. The motion for sanctions is denied. Rieman is awarded costs on appeal.

Perren, J.

We concur:   Gilbert, P.J.  
                     Yegan, J.

DIVISION SIX (Continued)

B153919 Sinclair (Not for Publication)  
v.  
Lark

The judgment is affirmed. Each party is to bear their own costs on appeal.

Coffee, J.

We concur:    Gilbert, P.J.  
                         Yegan, J.

B151537 People (Certified for Publication)  
v.  
Del Valle

The judgment (order of commitment) is reversed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B151847 Friedman (Certified for Publication)  
v.  
Friedman

The order declaring the 1991 postnuptial agreement valid is affirmed. Husband is awarded costs on appeal.

Yegan, J.

We concur:    Gilbert, P.J.  
                         Coffee, J.

## DIVISION SEVEN

B150112      People  
v.  
Guizar

Filed order denying petition for rehearing.

DIVISION EIGHT

B151497      LSJ, LLC      (Not for Publication)

v.  
Superior Tour Service

The judgment is affirmed. Respondent(s) to recover costs.

Boland, J.

We concur:    Cooper, P.J.  
                 Rubin, J.

B153397      Carter      (Not for Publication)

v.  
Hollywood Knickerbocker Hotel

The judgment is affirmed. Respondent(s) to recover costs.

Boland, J.

We concur:    Cooper, P.J.  
                 Rubin, J.

B154014      Los Angeles County, D.C.S.      (Not for Publication)

v.  
Carlos U.  
In re Angela U., et al., Persons Coming Under the Juvenile Court Law.

The orders denying reunifications services are affirmed.

Boland, J.

We concur:    Cooper, P.J.  
                 Rubin, J.

B154143      People      (Not for Publication)

v.  
Bell

The judgment is modified by striking the fine imposed pursuant to Penal Code section 1202.45. As modified, the judgment is affirmed.

Boland, J.

We concur:    Cooper, P.J.  
                 Rubin, J.

DIVISION EIGHT (Continued)

B149368      McGarrigle      (Not for Publication)

v.

Gernsbacher & McGarrigle, et al.

The order is reversed, and the cause is remanded to the trial court for a determination of reasonable attorney fees, including attorney fees in connection with this appeal. McGarrigle is to recover his costs on appeal.

Boland, J.

We concur:    Cooper, P.J.  
                 Rubin, J.

B146920      People

v.

Wilson

Filed order-denying petition for rehearing.

B152111      Fukutaki

v.

Jackey et al.

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)